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Pamela G. Monroe
New Hampshire Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: New Hampshire Site Evaluation Committee Rulemaking
(Docket No. 2016-01)**

Dear Ms. Monroe:

We represent the New Hampshire Municipal Pipeline Coalition (“Coalition”), a coalition of 13 towns listed on the attached. The Coalition is pleased to provide this response to the Committee’s Request for Advance Public Comment on Subject Matter of Possible Rulemaking regarding amendments to Chapter Site 300, *Certificates of Site and Facility* (“Advanced Comments”). The Committee specified several provisions for comment relating to the siting of high pressure gas pipelines.

As a preliminary matter, the Coalition respectfully requests additional time for comment on this important rulemaking and asks that the comment period be extended generally to allow for further consideration of the proposed rules.

We have listed our recommendations regarding each respective provision identified in the Advanced Comments, along with additional provisions for the Committee’s consideration. The recommendations are intended to provide concepts and substance and are not submitted at this stage as final language as proposed rules.

In addition, we note that other specific elements related to rule making for high pressure gas pipeline facilities should explicitly consider ancillary facilities including compressor stations, meter stations and LNG terminals attached to any pipeline facility. Moreover, rules should include requirements that applicants consider alternatives, need and costs associated with any high pressure gas pipeline facility.

Our attached submittal addresses specific comments on those areas identified in the Advance Comments and also includes comments on the existing Site 300 rules.

We hope to provide further input in the future as the rulemaking process continues.

Respectfully,



Richard A. Kanoff

Responses to Advance Rulemaking:

1. With respect to “Appropriate setbacks to mitigate potential health and safety impacts”:
 - a. Identify risks of proximity to high-tension electrical wires and other ignition sources.
 - b. Require highest quality of pipe, considering health and safety impacts, not only population density.
 - c. Bury the pipeline below the frost line.
 - d. Avoid steep-slopes; identify risks due to erosion, pipe cleaning and maintenance, etc.
2. With respect to “Decommissioning plan requirements”:
 - a. Identify the time frame for the use of the project and detail the decommissioning process.
 - b. Identify any potential nuisance or hazard that could be created by leaving the pipeline in the ground.
 - c. Reasonably restore the site to its pre-existing condition.
 - d. Coordinate with local officials regarding the decommissioning process.
3. With respect to “Specific criteria to maintain property owners’ ability to use and enjoy their property”:
 - a. Provide all landowners with the right of first refusal for any cut trees on their property, in excess of three inches in diameter.
 - b. Identify impacts due to deforestation.
 - c. Avoid land with current conservation easement or with non-development deed restrictions.
 - d. Protect cultural property and heritage.
 - e. Identify impacts to property values and abatement impacts on Town revenue.
4. With respect to “Project related sound and vibration impact assessments”:
 - a. Identify current levels of background noise and the expected increase in noise levels at any given time.
 - b. Provide an independent study on the human health effects from expected noise associated with the project.
5. With respect to “Application requirements to ensure quality construction that minimizes safety issues”:
 - a. Identify the current state of the impacted Town’s emergency management, fire department and police department capabilities.
 - b. Identify emergency response plans; training and equipment; ability of Town’s to respond to wildfires and other disasters.
 - c. Identify system shut-down procedures; identify risks associated with road structure and conditions, terrain, weather, etc.

- d. Avoid any blasting within 1,000 feet of any contaminated soil sites.
- e. Identify the current state (baseline) of roads and public right of ways; impacts to roads for logging, construction and maintenance activities.
- f. Require road bonds prior to construction.
- g. Audits and inspections during operations.

The Committee should also evaluate whether Site 300 has fully addressed “Impacts to the environment, air and water quality, plants, animals, and natural communities”, as required by 162-H:10-b, II(d). In doing so, the Committee should consider incorporating the following requirements:

Public and private drinking water wells

- a. Avoidance of aquifers that are used for public and private drinking wells.
- b. Identify impacts of blasting on groundwater for public and private drinking wells.
- c. Require hydrogeological studies to support application.
- d. Identify impacts and risks associated with hydrostatic testing.
- e. Identify impacts of air pollution from surface facilities (compressor engines, compressor blowdowns, condensate tanks, storage tanks, truck loading racks, glycol dehydration units, amine units, separators, fugitive emission sources, etc.) on dug wells.
- f. Require testing and monitoring of public and private wells prior to construction (baseline) and periodically post construction; test for flow as well as contaminants (i.e., arsenic, radon, benzene, VOCs, etc.).

Air Pollution

- a. Require a comprehensive Health Impact Assessment (“HIA”) (The systematic assessment of the health effects of implementing plans, policies and projects. HIAs have the dual goal of helping stakeholders and policy-makers maximize health benefits and minimize adverse health effects of a given project while comparing it to alternate approaches).
- b. Require surface facilities (compressor engines, compressor blowdowns, condensate tanks, storage tanks, truck loading racks, glycol dehydration units, amine units, separators, fugitive emission sources, etc.) to be constructed to control emissions and prevent air pollution.
- c. Require twelve months of air monitoring prior to operation to establish current state (baseline) and ongoing testing and monitoring for air pollution
- d. Require guidelines for levels of pollutants that regulate operation (and shutdown) the surface facility.
- e. Require soil testing and monitoring to identify local conditions (baseline) and periodically after operation.

Comments regarding Existing Site 300 rules:

Definitions of energy transmission pipeline and high pressure gas pipelines should be clarified.

Site 301.03(c)(1) – Contents of Application

Location and address should explicitly reference compressor stations, meter stations and ancillary facilities (“Ancillary Facilities”) for high pressure gas pipelines, in addition to the specific location of the route and include descriptions of construction areas, staging areas, and pre and post construction rights-of-way. Ancillary facilities should include any related LNG Storage or Distribution facilities connected to any high pressure gas pipeline.

Site 301.03(c)(2) – Contents of Application

Site acreage should include Ancillary Facilities.

Site 301.03(c)(3) – Contents of Application

Map should explicitly note route and Ancillary Facilities (See 301.01 (7)).

Site 301.03(c)(4) – Contents of Application

All wetlands and surface waters along the site route and in proximity to Ancillary Facilities should be identified.

Site 301.03(c)(5) – Contents of Application

Natural, historical and cultural resources along the site route and in proximity to Ancillary Facilities should be identified.

Site 301.03(e)(7) – Contents of Application

Map should include high pressure gas pipeline facilities and Ancillary Facilities.

Site 301.03(h)(6) – Contents of Application

Section should be revised to apply to cumulative impacts of high pressure gas pipeline facilities and Ancillary Facilities.

Site 301.04(a)(5) – Financial, Technical and Managerial Capability

Additional information should be provided to include rating agency reports and evaluations.

Site 301.04(b)(3) – Financial, Technical and Managerial Capability

New Section to include specific information relating to construction and operational safety protocols, safety management plans and operational information regarding applicant’s existing facilities including information with respect to safety violations and incidents/accidents at operational high pressure pipeline facilities.

Site 301.05(b)(4)(e) – Effects of Aesthetics

New section relating to high pressure gas pipelines and Ancillary Facilities to evaluate potential visual impacts with appropriate radius to be designated particularly for Ancillary Facilities.

Site 301.05 (b)(8)(e) – Effects of Aesthetics

Simulations relating to high pressure gas pipelines and Ancillary Facilities should include full frontal views, reasonably represent the shape of the facility and appropriate lighting model.

Site 301.08(a) – Effects of Public Health and Safety

Sections (a)(1), (a)(3), (a)(5)-(8) should be applicable to high pressure gas pipeline facilities and Ancillary Facilities with a new section (b) “For proposed high pressure gas pipeline facilities” to apply to such facilities. Decommissioning section should include specific provisions relating to decommissioning Ancillary Facilities.

Site 301.13 – Criteria Relative to Findings of Financial, Technical, and Managerial Capability

Applicant’s information with respect rating agencies should be considered.

Site 301.14(c) – Criteria Relative to Finds of Unreasonable Adverse Effects (air)

Determination should include the effectiveness of measures undertaken or planned to avoid, minimize and mitigate potential adverse impacts on air quality and to the extent to which such measures represent best practices.

Site 301.14(d) - Criteria Relative to Finds of Unreasonable Adverse Effects (water)

Determination should include the effectiveness of measures undertaken or planned to avoid, minimize and mitigate potential adverse impacts on water quality and to the extent to which such measures represent best practices.

Site 301.14(g) - Criteria Relative to Finds of Unreasonable Adverse Effects

Cumulative impacts should be applicable to high pressure gas pipelines and Ancillary Facilities.

Site 301.16 – Criteria Relative to Finding of Public Interest

Public interest criteria should include an evaluation of need, alternatives and cost of the project.

Site 301.18 – Sound Study Methodology

Sound study methodology should be applied to high pressure natural gas pipeline Ancillary Facilities.

COALITION TOWNS

1. Brookline
2. Fitzwilliam
3. Greenville
4. Litchfield
5. Mason
6. Milford
7. New Ipswich
8. Pelham
9. Richmond
10. Rindge
11. Temple
12. Troy
13. Winchester

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